

JURISDICTION AND VENUE

3. This action arises under the Freedom of Information Act (“FOIA”), 5 USC § 552.

4. This Court has jurisdiction over the parties and subject matter pursuant to 5 USC § 552(a)(4)(B).

5. Venue is proper in this district pursuant to 5 USC § 552(a)(4)(B).

STATEMENT OF FACTS

6. On August 10, 2010, Plaintiff sent a FOIA request to the USDA’s Food Safety and Inspection Service requesting access to records of documented violations of food sanitation, environmental, and animal handling requirements and workers’ rights abuses for the period of January 1, 2008 to August 10, 2010, for twenty commercial meat facilities: American Halal Meat, American Catelli Brothers Veal & Lamb Products, Carteret Abattoir, Dealaman Enterprises, Hinck Turkey Farm, Halal Packing, Keemeyer & Merkel (Green Village Packing), Bringham Brothers, Niblock’s Pork Products, Salem Packing Company, Henry Kohn, B&B Poultry Company, Bierig Brothers (d/b/a Vineland dressed Beef), Vineland Kosher Poultry Company, Pasha Halal Poultry (d/b/a Maracacci Meats), Griggstown Quail Farm, Trenton Halal Packing, Louie Chiu Slaughterhouse, DiPaola Turkeys, and Seugling Meat Packing.

7. On August 11, 2010, USDA received Plaintiff’s FOIA request for the twenty commercial meat facilities and assigned them tracking numbers FOIA-2010-00358, FOIA-2010-00359, FOIA-2010-00360, FOIA-2010-00361, FOIA-2010-00362, FOIA-2010-00363, FOIA-2010-00364, FOIA-2010-00365, FOIA-2010-00366, FOIA-2010-00367, FOIA-2010-00368, FOIA-2010-00369, FOIA-2010-00370, FOIA-2010-

00371, FOIA-2010-00372, FOIA-2010-00373, FOIA-2010-00374, FOIA-2010-00375, FOIA-2010-00376, and FOIA-2010-00377, respectively.

8. Under 5 USC § 552(a)(6)(A)(i), Defendant was required to respond to Plaintiff's August 10, 2010 FOIA requests within 20 working days, or by September 27, 2010.

9. As of the date of this Complaint, the USDA has failed to produce any records responsive to Plaintiff's August 10, 2010 FOIA requests or explain why such records are exempt from production.

10. On November 4, 2010, Plaintiff sent a FOIA request to the USDA's Food Safety and Inspection Service requesting access to records of documented violations of food sanitation and animal handling requirements for the period of January 1, 2008 to November 4, 2010, for ten commercial meat and dairy facilities: Fossil Farms, Godek's Livestock and Abattoir, Marzigliano's Live Poultry Market, Sanchez Live Poultry, San Miguel Live Poultry, Clifton Live Poultry Market, Goffle Road Poultry Farm, Sandy's Live Poultry Market, Hassan Ali Live Poultry, and ENA Meat Packing.

11. On November 4, 2010, USDA received Plaintiff's FOIA request for the ten commercial meat and dairy facilities, aggregated the requests, and assigned the aggregated requests tracking number FOIA-2011-00021.

12. Plaintiff received a phone call from Lisa Williams at the USDA at some point after November 10, 2010 who stated that nine of the ten commercial meat and dairy facilities (all except ENA Meat Packing) referred to in Plaintiff's November 4, 2010 FOIA request are regulated by New Jersey, not the USDA.

13. Under 5 USC § 552(a)(6)(A)(i), Defendant was required to respond to Plaintiff's November 4, 2010 FOIA request within 20 working days, or by December 6, 2010.

14. As of the date of this Complaint, the USDA has failed to produce any records responsive to Plaintiff's November 4, 2010 FOIA request or explain why such records are exempt from production.

15. Under 5 USC § 552(a)(6)(C)(i), Plaintiff is deemed to have exhausted his administrative remedies because the USDA has failed to comply with the statutory time limit.

COUNT I:
VIOLATION OF FOIA

16. This Count realleges and incorporates by reference all of the preceding paragraphs.

17. Defendant has violated FOIA by failing to produce the records responsive to Plaintiff's August 10, 2010 FOIA requests.

18. Defendant has violated FOIA by failing to produce the records responsive to Plaintiff's November 4, 2010 FOIA request.

19. Plaintiff and the public have been and will continue to be irreparably harmed until Defendant is ordered to comply with Plaintiff's FOIA request.

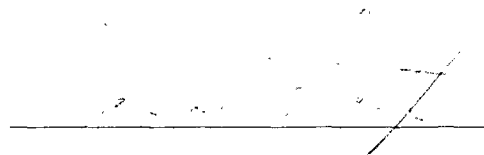
PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

(1) Declare Defendant's failure to comply with FOIA to be unlawful;

- (2) Enjoin Defendant from continuing to withhold the public records responsive to Plaintiff's FOIA requests and otherwise order Defendant to produce the requested public record without further delay;
- (3) Grant Plaintiff an award of attorney fees and other litigation costs reasonably incurred in this action pursuant to 5 USC § 552(a)(4)(E)(i); and
- (4) Grant Plaintiff such other and further relief which the Court deems proper.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Jeffrey L. Light", is written over a horizontal line.

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